

01/02/02



JC18 Rec'd PCT/PTO 02 JAN 2002 US

FORM PTO-1390
(REV 3/2001)

PCT Applicant's Guide - Volume II - National Chapter - US Annex US.II, page 1

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: January 2, 2002

EXPRESS MAIL LABEL NO.
EL717377722USATTORNEY DOCKET NO.
47237/DBPU.S. APPLICATION NO.
09/936,576INTERNATIONAL APPLICATION NO.
PCT/CN00/00041INTERNATIONAL FILING DATE
March 2, 2000PRIORITY DATE CLAIMED
March 9, 1999

TITLE OF INVENTION

PHARMACEUTICAL COMPOSITION CONTAINING CYCLOSPORINAPPLICANT(S) FOR DO/EO/US
ZHANG, Yonghua

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/LUS).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 13 to 20 below concern document(s) or other information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A FIRST preliminary amendment.
16. ☐ A SECOND or SUBSEQUENT preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ SMALL ENTITY Assertion: Applicant(s) and any other associated with it/them under 37 CFR § 1.27(a) are a small entity.
20. ☒ Certificate of Mailing by Express Mail.
21. ☐ Other items or information:

| | | | | | |
|---|---------------------|--|----------------|---|---------------------|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/936,576 | | INTERNATIONAL APPLICATION NO. PCT/CN00/00041 | | ATTORNEY DOCKET NO. 47237/DBP | |
| 21. The following fees are submitted: <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO: \$1,040.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO: \$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO: \$740.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4): \$710.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4): \$100.00 | | | | CALCULATIONS | PTO USE ONLY |
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| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$ | |
| Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | \$ | |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | -20= | | X \$18 | \$ | |
| Independent Claims | -3= | | X \$84 | \$ | |
| Multiple dependent claim(s) (if applicable) | | | + \$280 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$ | |
| SUBTOTAL = | | | | \$ | |
| Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ | 40 |
| TOTAL FEES ENCLOSED = | | | | \$ | 40 |
| Note (1): The basic national fee must be paid when filing this application. The 20-month time limit (37 CFR § 1.494) and 30-month time limit (37 CFR § 1.495) are not extendable. | | | | Amount to be: refunded | \$ |
| | | | | charged | \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>40.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1728</u> . A duplicate copy of this sheet is enclosed. NOTE (2): Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> D. Bruce Prout CHRISTIE, PARKER & HALE P.O. Box 7068 Pasadena, CA 91109-7068 CUSTOMER NUMBER: 23363 </div> <div style="width: 45%; text-align: right;"> By <u><i>D Bruce Prout</i></u> D. Bruce Prout Reg. No. 20,958 </div> </div> | | | | | |

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Christie, Parker & Hale, LLP

DBP

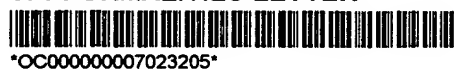
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|---|--|--|
| <input checked="" type="checkbox"/> <small>Continuation For Patent, See PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov</small> | | |
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|---|--|-------------------------------|
| U.S. APPLICATION NUMBER NO. 09/936,576 | FIRST NAMED APPLICANT Yonghua Zhang | ATTY. DOCKET NO. 47237/DBP |
|---|--|-------------------------------|

23363
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PASADENA, CA 91105

| | |
|---|-----------------------------|
| INTERNATIONAL APPLICATION NO. PCT/CN00/00041 | |
| I.A. FILING DATE 03/02/2000 | PRIORITY DATE 03/09/1999 |

CONFIRMATION NO. 7268
371 FORMALITIES LETTER



Date Mailed: 11/05/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

CASE # **47237** ACTION *Missing Requirements*
REMINDER _____ DUE DATE 1/5/02
DEADLINE 5/5/02

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 r 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/936,576 | PCT/CN00/00041 | 47237/DBP |